



City of Seattle

Department of Planning & Development

Diane M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3012924

Applicant Name: Beth Dwyer for Craig Kolbitz

Address of Proposal: 4557 11th Avenue NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow three residential structures: South structure is 5 stories containing 15 residential units; Central structure is 7 stories containing 95 residential units; North structure is 8 stories containing 75 residential units above 1,600 sq. ft. of commercial space. Below grade parking for 127 vehicles to be provided. Project includes 14,000 cu. yds. of grading.

The following approvals are required:

Design Review – Seattle Municipal Code (SMC) 23.41

Development Standard Departures:

1. **Street Level Development Standards** (SMC23.47A.008 D.3)
2. **Parking Location and Access** (SMC23.47A.032A.1.a)
3. **Parking Space Standards** (SMC23.54.030 D.3: Driveways)

SEPA Environmental Determination – SMC 25.05

SEPA Determination: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

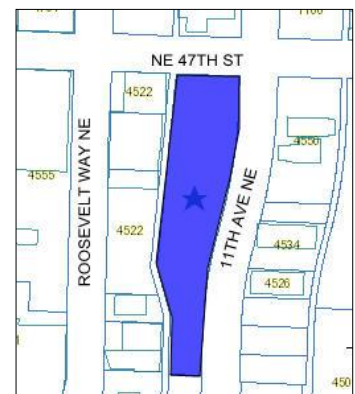
☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND INFORMATION:

The 40,224 square foot development site includes most of the western frontage of 11th Ave, NE. between NE 45th and NE 47th streets. The site is currently used as outdoors storage for automotive retail sales and services.

The site is zoned Neighborhood Commercial 3 with a 85' height limit (NC3-85), and is located in the University District Northwest Urban Center Village, and NE 45th Street Station Overlay District.

The blocks east, west and south of the site are within the same zone. The block north of the parcel is zoned NC3-65.



Surrounding Development: Automotive Retail Sales and Services to the north and east. Multi-family Apartments and Hotel to the west.

ECAs: None

Neighborhood Character: There is a variety of general uses represented within the surrounding blocks including housing, retail, grocer, restaurant and church. There are three newly planned developments that are expected to be in construction within the next year; the Avalon Bay housing development across the street with 300 units, the Marriott Hotel on the corner of 12th Ave NE and NE 45th St, and a private parking garage for the University Audi dealership to the north of the site across NE 47th St.

Public Comments

Public comments were invited at the two Design Review public meetings and the Master Use Permit application. Comments from the Design Review meetings are noted within the Design Review process summaries which follow below. Comments were concerned with access, trees and security.

Master Use Permit Application

The applicant revised the design and applied for a Master Use Permit with a design review component on June 19, 2012. The public comment period ended on August 1, 2012. The Land Use Application information is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000¹.

ANALYSIS – DESIGN REVIEW

Architect's Presentation: (February 27, 2012)

Three alternative design schemes were presented. All of the options include 180 apartment units, 2000 square feet of ground level retail and underground parking for 134 vehicles.

The first scheme (Option A) showed one building envelope as a monolithic mass.

The second scheme (Option B) showed two building envelopes separated by a through block connection.

The third preferred scheme (Option C) showed three building envelopes of reducing height from north to south separated by two mews. This was the preferred option by the applicant.

¹ <http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>

Public Comments (at the Early Design Guidance)

Approximately ten members of the public attended this Early Design Review meeting. The following comments, issues and concerns were raised:

- Noted that the preferred scheme ‘Looks really good. A real addition to the neighborhood.’
- Stated that they were concern about vehicle access being limited to the alley. They would prefer access from the alley and the street.
- Encouraged the applicant to retain the 30’ spruce tree.
- Concerned — ‘curious where the [northern] cut-through [mews] goes? What does it meet? The building behind.’

Architect’s Presentation: (September 10, 2012)

The design presented at the final Recommendation Meeting was a further developed version of the third preferred option shown at the Early Design Guidance meeting that received a positive response from the Board.

At the meeting, the presentation focused on presenting the internal and external circulation of vehicles, public pedestrian and residents and how the three different buildings will relate to the site. Building elevations and materials, lighting and landscaping concepts were also presented.

Public Comments (at the recommendation meeting)

Approximately six members of the public attended the Final Recommendation meeting. The following comments were offered:

- The design should be compatible with the existing spruce tree in the ROW on 11th Ave. NE.
- Concerned that high-risk behavior persons may use space accessible to the public in a way that causes it to be fenced off.

DESIGN GUIDELINE PRIORITIES

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance. The Board identified the Citywide Design Guidelines & Neighborhood specific guidelines (as applicable) of highest priority for this project.

The Neighborhood specific guidelines are summarized below. For the full text please visit the Design Review website.

A. Site Planning

A-1 Responding to Site Characteristics. *The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.*

At the Early Design Guidance Meeting, the Board discussed the length of the block and the three options. The three building option was considered the better response to the site characteristics.

At the Recommendation Meeting, the Board liked the fact that the two through site connections and three buildings broke up the length of the block.

A-3 **Entrances Visible from the Street.** *Entries should be clearly identifiable and visible from the street.*

At the Early Design Guidance Meeting, the Board discussed that the main entrances need to be clearly identifiable and visible from the street for the users. See A-4 below.

At the Recommendation Meeting, the Board liked that all the ground floor units had street entries. This will create an “eyes on” approach to security.

A-4 **Human Activity.** *New development should be sited and designed to encourage human activity on the street.*

At the Early Design Guidance Meeting, the Board discussed that the mews [commercial/residential areas] need to be well designed for the pedestrian experience and to encourage pedestrian human activity.

At the Recommendation Meeting, the Board liked that all the ground floor units had street entries. The mews and auto court should provide activity across the site.

A-6 **Transition Between Residence and Street.** *For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.*

At the Early Design Guidance Meeting, the Board discussed their need to see more details gating/hedges considered.

At the Recommendation Meeting, See comments under A-7.

A-7 **Residential Open Space.** *Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.*

At the Early Design Guidance Meeting, the Board discussed that the residential and commercial areas at grade must be usable, attractive, and well-integrated.

At the Recommendation Meeting, the Board stressed that keeping the mews open to the public was imperative; this is an excellent chance to see if well thought out designed exterior spaces can work to be welcoming but also safe and not abused. At the same time the Board wanted to make sure that there is some type of threshold that indicates the transition from public space to the private residential entries. The Board also expressed interest in lighting the blank wall of the Mazda dealership that is across the alley from the mews.

A-8 **Parking and Vehicle Access.** *Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.*

At the Early Design Guidance Meeting, the Board discussed that their recommendation on the street vehicle access would be made based on the design that avoids pedestrian/vehicle conflicts.

At the Recommendation Meeting, the Board again expressed its support for a curb cut and access to parking off 11th Ave NE. This auto entry should allow for pedestrians and be designed to slow traffic.

A-10 Corner Lots. *Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.*

B. Height, Bulk and Scale

B-1 Height, Bulk, and Scale Compatibility. *Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.*

At the Recommendation Meeting, the Board thought the scale of the project with the varying height and bulk of the three building was good.

C. Architectural Elements and Materials

C-2 Architectural Concept and Consistency. *Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.*

At the Recommendation Meeting, the Board thought the scale of the building was good. The cohesiveness of the project yet the individual expression of each building were commended.

C-3 Human Scale. *The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.*

At the Early Design Guidance Meeting, the Board discussed needing more details on the floor plates and elevation to further address this guideline.

At the Recommendation Meeting, the Board expressed its support of the one-an-a-half to two story proportions of the ground level units.

C-4 Exterior Finish Materials. *Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.*

At the Early Design Guidance Meeting, the Board discussed needing more detail on the materials to address this guideline.

At the Recommendation Meeting, the Board expressed the following praise and criticism of the exterior facades;

- The west alley facing façade of the North Building is too heavy.
- The North Building facades are too busy compared to the other buildings.
- The east 11th Ave NE facing façade of the North Building needs more color and interest, the stair tower should change color at different facades to provide a strong vertical statement.
- The Central Building needs more wow.

- The south building is not as playful as the other two structures but the tradeoff of having concrete and brick as façade materials makes this acceptable.

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances. *Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.*

D-7 Personal Safety and Security. *Project design should consider opportunities for enhancing personal safety and security in the environment under review.*

At the Recommendation Meeting, concern was expressed over the safety of the mews and alley. In the mews benches and other 'furniture' should be designed to discourage sleeping. Lighting that is always on when it is dark outside should be provided. The fact that each ground level unit has access from either the street, alley or mews will provide a level of security.

D-8 Treatment of Alleys. *The design of ... entrances should enhance the pedestrian street front.*

At the Recommendation Meeting, concern was expressed over the safety of the alley especially as it will be used as pedestrian access to units at grade. Currently the lighting plan does not show lighting at the south building garages. Lighting needs to be provided here and along the length of the alley, increasing where activity levels are high. The lighting should always be on when it is dark outside.

D-9 Commercial Signage. *Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.*

This was not identified as a guideline by the Board. DPD staff recommends this information is made available to the Board for their consideration.

D-10 Commercial/[Residential Exterior] Lighting. *Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.*

This was not identified as a guideline by the Board. DPD staffs recommend this information is made available to the Board for their consideration.

At the Recommendation Meeting, the Board stated they would like to see lighting in the soffits at the retail space on the corner of 11th Ave NE and NE 47th street.

D-11 Commercial/[Residential] Transparency. *Commercial storefronts [and residential street facing facades] should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.*

D-12 Residential Entries and Transitions. *For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy*

for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.

At the Recommendation Meeting, the Board expressed that there should be some type of threshold (gate, stairs, etc.) that indicates the transition from public space to the private residential entries. This is especially needed at the mews and the entries off the alley.

E. <i>Landscaping</i>

E-1 *Landscaping to Reinforce Design Continuity with Adjacent Sites.* *Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.*

E-2 *Landscaping to Enhance the Building and/or Site.* *Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.*

DEVELOPMENT STANDARD DEPARTURES

At the Recommendation meeting three departures were required:

1. **Street Level Development Standards (SMC23.47A.008 D.3):** The floor of a dwelling unit located along the street-level street-facing façade shall be least 4 feet above or 4 feet below sidewalk grade or be set back at least 10 feet from the sidewalk.

There are 12 units that face 11th Ave NE, the 5 townhouses type units in the south building and one unit in the central building will use the departure. In these cases the setback from the sidewalk is closer to 8' then the required 10'. The Board voted unanimously in granting the departure.

2. **Parking Location and Access (SMC23.47A.032A.1.a):** In NC zones, access to parking shall be from the alley if the lot abuts an alley improved to the standards of SMC23.53.030C.

Allow a curb cut on 11th Ave NE to supplement required alley access to project. At the EDG Meeting some of the Board members felt that a curb cut and access from 11th Ave NE would alleviate the projected high use of the alley. The applicant went forward with this, incorporating the street access into the design shown at the Recommendation Meeting. The Board voted unanimously in favor of the street access.

3. **Parking Space Standards (SMC23.54.030 D.3: Driveways)** No portion of a driveway, whether located on a lot or on a right-of-way shall exceed a slope of 15 percent, except as provide in this subsection 23.54.030D3.

The applicant requested using an 18% maximum slope with crest and sag in the driveway to the below grade parking. They noted that SDOT allows a maximum slope of 20% with appropriate crest and sag. The Board voted unanimously in favor of granting the departure.

DIRECTOR'S DECISION — *Design Review*

The Board's recommendation was based on the design review packet and the presentation by the applicant at the Design Review meetings. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, (all those present) of the Design Review Board recommended APPROVAL of the subject design.

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed recommendations, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the recommendations and decision of the Design Review Board made by the members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multi-family and Commercial Buildings, and is consistent with SEPA requirements or state and federal laws. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design with the conditions summarized at the end of this Decision.

The Director of DPD has reviewed the recommendations of the Design Board members present at the final Design Review recommendation meeting and finds that the Board acted within its authority and the Board's recommendations are consistent with the guideline's and do not conflict with regulatory requirements.

CONDITIONS

Design Review conditions are listed at the end of this report.

ANALYSIS – SEPA

This analysis relies on the *Environmental (SEPA) Checklist* for the proposed development submitted by the applicant which discloses the potential impacts from this project. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising

substantive SEPA authority. The Overview Policy states in part: “*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*” subject to some limitations. Under specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

Short-Term Impacts

The following temporary construction-related impacts are expected: temporary soils erosion; temporarily decreased air quality due to dust and other suspended air particulates during construction and demolition; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section [25.05.794](#)). Although not significant, these impacts may be adverse, and in some cases, mitigation is warranted.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Most short-term impacts are expected to be minor. Compliance with the applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality, noise and construction traffic warrant further discussion.

Earth

The project will require excavation and DPD anticipates further study and design associated with the grading and construction permits. DPD geotechnical staff indicates that existing Codes (Grading and Drainage Control Ordinance, SMC [22.800](#)) provide authority to require appropriate mitigation for this project, and that no specific conditioning is warranted in this regard.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos or other hazardous substances during demolition. The applicant will take the following precautions to reduce or control emissions or other air impacts during construction:

- During demolition, excavation and construction, debris and exposed areas will be sprinkled as necessary to control dust and truck loads and routes will be monitored to minimize dust-related impacts.
- Using well-maintained equipment and avoiding prolonged periods of vehicle idling will reduce emissions from construction equipment and construction-related trucks.
- Using electrically operated small tools in place of gas powered small tools wherever feasible.
- Trucking building materials to and from the project site will be scheduled and coordinated to minimize congestion during peak travel times associated with adjacent roadways.

These and other construction and noise management techniques shall be included in the Construction Impact/ Noise Impact Management Plan to be submitted for approval prior to issuance of construction permits.

Environmental Health

State law provides for the cleanup and appropriate disposal of hazardous substances. The Model Toxics Control Act (WAC [173-340](#)) is administered by the Washington Department of Ecology (DOE) and establishes processes and standards to identify, investigate, and clean up facilities where hazardous substances have come to be located. DPD alerts the applicant to this law and provides a contact: Joe Hickey, DOE, (425) 649-7202.

Discharge of contaminated groundwater to the sewage system is regulated by the King County Department of Natural Resources under Public Rule [PUT 8-14](#). A [factsheet](#) and permit application is available online or by calling (206) 263-3000.

Disposal of contaminated fill is regulated by the City/County Health Department, contact: Jill Trohimovich, (206) 263-8496.

Existing regulations adequately address potential impacts to environmental health. In addition, there is no evidence of environmental health issues on the project site. No further conditioning of site cleanup or hazardous waste treatment is warranted pursuant to SEPA policies.

Construction Noise

As redevelopment proceeds, noise associated with demolition/construction activities at the site could adversely affect the surrounding residential/commercial uses. However, the limitations of the Noise Ordinance are found to be adequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC [25.05.665](#)) and the SEPA Construction Impacts Policy (SMC [25.05.675 B](#)), no mitigation other than compliance with the Construction Noise Ordinance is warranted.

Construction Parking

During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities. Construction workers can be expected to arrive in early morning hours and to leave in the mid-afternoon. Surrounding residents generate their peak need for on-street parking in the evening and overnight hours when construction workers can be expected to have departed. In addition, most of the commercial uses in the surrounding area include enough on-site parking such that street parking is not an issue. Construction parking impacts will be insignificant and therefore SEPA mitigation of parking impacts during construction is unwarranted.

Traffic and Circulation

Site preparation would involve removal of the existing on asphalt pavement and excavation for the foundation of the proposed building and below grade parking garage. Approximately 14,000 cubic yards of material would be excavated and removed from the site.

Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. Traffic impacts resulting from the truck traffic associated with the removal of the existing building and excavation for the foundation of the proposed building will be of short duration and mitigated in part by enforcement of SMC 11.62. This immediate area is subject to traffic congestion during the PM peak hours, and large trucks turning onto arterial streets would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675 B (Construction Impacts Policy) and SMC 25.05.675 R (Traffic and Transportation) additional mitigation is warranted.

The construction activities will require the export/import of material from the site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other building materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations. Assuming contractors use double loaded trucks to export/import grade/file material, with each truck holding approximately 20 cubic yards of material, thus requiring approximately 530 truckloads (1,600 trips) to remove the excavated material.

For the duration of the grading activity, the applicant(s) and/or responsible party(ies) shall cause truck trips to cease during the hours between 4 PM and 6 PM on weekdays. This condition will assure that truck trips do not interfere with daily PM peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of SMC 11.62.

City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Streets and Sidewalks

The proposed on-site demolition, excavation and construction are controlled by a demolition/building permit, separate from this Master Use Permit. The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation. It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R).

In this case, adequate mitigation is provided by the Street Use Ordinance, which regulates and provides for accommodating pedestrian access. Therefore, additional mitigation under SEPA is not warranted.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant, so mitigation is not required pursuant to SEPA.

Long-Term Impacts

Potential long-term or use impacts anticipated by the proposal include: increased height, bulk and scale of building in some areas of the site; increased light and glare from exterior lighting, increased noise due to increased human activity; increased demand on public services; increased traffic on adjacent streets; increased on-street parking, and increased energy consumption. These long-term impacts are not considered significant because they are minor in scope, but some warrant further discussion (noted below).

The likely long-term impacts are typical of this scale of mixed use development, and DPD expects them to be mitigated by the City's existing codes and/or ordinances (together with fulfillment of Seattle Department of Transportation requirements). Specifically these are: the Land Use Code (aesthetic impacts, height, light, traffic, setbacks, parking) the Seattle Energy Code (long-term energy consumption), and the Street Use Ordinance. However, more detailed discussion of some of these impacts is appropriate.

Several adopted City codes and/or ordinances provide mitigation for the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires provisions for controlled release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not significant, so do not require mitigation pursuant to SEPA.

Height, Bulk, and Scale

SMC [25.05.675.G.2.c](#) states, "*The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.*"

The site is surrounded by properties that are similarly zoned. The Design Review Board considered issues of height, bulk and scale in its review of this project and unanimously recommended approval of the project design. The proposed structure is located on an NC2-40 zoned site, and the structure conforms to zoning requirements, including height and bulk. No additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Light and Glare

The checklist discusses the project's potential light and glare effects on the surrounding area. The proposed project exterior design emphasizes a sympathetic arrangement of glazing and materials on the facades. Lighting will be downshielded but will provide enough light in the evening to provide a safe environment. DPD therefore determines that light and glare impacts are not substantial and warrant no further mitigation per SMC 25.05.675.K.

Traffic and Transportation

The applicant submitted a Transportation Impact Analysis (TIA) prepared by Transpo Group in March 2012. This report described the existing transportation system in the vicinity of the project, estimated the total amount and distribution of new traffic to be generated by the project, and provided a transportation concurrency evaluation. Based on this report, the project is forecast to generate an additional 501 new weekday daily vehicle trips, with 45 new trips occurring in the weekday PM peak hour. All study intersections would continue to operate at the same level of service with the proposed project. The addition of project traffic would increase average delays at the intersection of NE 45th Street/I-5 north bound ramps by less than two seconds. Therefore, no noticeable adverse transportation impacts are anticipated, and no mitigation is warranted.

Other Impacts

Several codes adopted by the City will appropriately mitigate the use-related adverse impacts created by the proposal. Specifically these are: Grading and Drainage Control Ordinance (storm water runoff from additional site coverage by impervious surface); Puget Sound Clean Air Agency regulations (increased airborne emissions); and the Seattle Energy Code (energy consumption in the long term).

Greenhouse Gas

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

DECISION – STATE ENVIRONMENTAL POLICY ACT (SEPA)

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).

The proposed action is **APPROVED WITH CONDITIONS.**

CONDITIONS – SEPA

During Demolition, Excavation, and Construction

1. For the duration of the removal of the existing building, excavation of materials, and delivery of construction materials; the owner(s) and/or responsible party(ies) shall cause truck trips to and from the project site to cease during the hours between 4 PM and 6 PM on weekdays.
2. Debris and exposed areas shall be sprinkled as necessary to control dust; a truck wash and quarry spall areas shall be provided on-site prior to the construction vehicles exiting the site if scoop and dump excavation is not used; and truck loads and routes shall be monitored to minimize dust-related impacts.

CONDITIONS-DESIGN REVIEW

Prior to Issuance of Building Permit

3. The building elevations facing the alley will provide pedestrian lighting when it is dark outside. This lighting is to create a well lit but welcoming environment to provide for the safety of the building users. The lighting level should increase where there is more pedestrian activity.
4. The mews and the auto court are to remain open to the public unless it is determined that having them open has become a safety issue.
5. The mews design should include elements that are pedestrian friendly yet deter such activities as sleeping. At all times when it is dark outside lighting should be provided to create a safe environment.

During Construction

6. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval by the Land Use Planner assigned to the project.

Prior to Issuance of a Permanent Certificate of Occupancy

7. The applicant shall arrange for an inspection with the Land Use Planner to verify that the construction of the buildings with, sitting, materials, and architectural details is substantially the same as those documented in the approved/issued plans.

Signature: _____ (signature on file) Date: January 14, 2013
Colin Vasquez, Senior Land Use Planner
Department of Planning and Development